

NEW YORK STATE SECURITY BREACH REPORTING FORM

Pursuant to the Information Security Breach and Notification Act (General Business Law §899-aa)

Name and address of Entity that owns or licenses the computerized data that was subject to the breach:

Outten & Golden LLP

Street Address: 3 Park Avenue, 29th Floor

City: New York State: NY Zip Code: 10016

Submitted by: Jason A. Bernstein Title: Attorney Dated: July 6, 2016

Firm Name (if other than entity): Barnes & Thornburg LLP

Telephone: 404-264-4040 Email: jason.bernstein@btlaw.com

Relationship to Entity whose information was compromised: Attorney for Outten & Golden LLP

Type of Organization (please select one): ☐ Governmental Entity in New York State; ☐ Other Governmental Entity;
☐ Educational; ☐ Health Care; ☐ Financial Services; ☒ Other Commercial; or ☐ Not-for-profit.

Number of Persons Affected:

Total (Including NYS residents): 157 NYS Residents: 103

If the number of NYS residents exceeds 5,000, have the consumer reporting agencies been notified? ☐ Yes ☐ No

Dates: Breach Occurred: June 18, 2016 Breach Discovered: June 18, 2016 Consumer Notification: June 19, 2016

Description of Breach (please select all that apply):

☐ Loss or theft of device or media (e.g., computer, laptop, external hard drive, thumb drive, CD, tape);

☐ Internal system breach; ☐ Insider wrongdoing; ☐ External system breach (e.g., hacking);

☒ Inadvertent disclosure ; ☒ Other specify): Employee was a victim of a spoof and sent a file with the W2 information of the firm's employees to an unauthorized email address

Information Acquired: Name or other personal identifier in combination with (please select all that apply):

☒ Social Security Number

☐ Driver's license number or non-driver identification card number

☐ Financial account number or credit or debit card number, in combination with the security code, access code, password, or PIN for the account

Manner of Notification to Affected Persons - ATTACH A COPY OF THE TEMPLATE OF THE NOTICE TO AFFECTED NYS RESIDENTS:

☒ Written ☒ Electronic ☐ Telephone ☐ Substitute notice

List dates of any previous (within 12 months) breach notifications: _____

Identify Theft Protection Service Offered: ☒ Yes ☐ No

Duration: 12 months Provider: AllClearID

Brief Description of Service: Credit monitoring; the firm is also reimbursing employees for the cost of freezing credit.

TEXT OF COMMUNICATION SENT TO AFFECTED INDIVIDUALS

Dear O&Gers,

We value and respect the privacy of your personal information. Therefore, we are writing to inform you of an incident involving some of that information, what that means to you, how we are actively addressing the situation, and what you might do to protect yourself.

The Facts As We Currently Know Them

Late Friday afternoon, June 17, 2016, the firm learned that, as a result of a spoofing attack, your W2-related information has been compromised and accessed by unauthorized persons. As soon as we became aware of the incident, we started addressing the situation.

First, we sent an email late Friday afternoon to O&GAll about the episode. Subsequently, we retained counsel who are experienced in dealing with such situations. The incident and pertinent details are being reported to the appropriate agencies, and we are fully cooperating with them. We are sending this information via email today; we will be sending it again via mail on Monday.

We believe that fewer than 200 current and former employees may have been affected. While we are unable to determine exactly the extent to which the information has been accessed and/or used, we have received at least one report of an employee's information being used improperly.

What Type of Information Was Involved?

The information that may have been accessed included identifying personal information, such as name, address, and social security number.

Steps You Should Take to Protect Yourself

Because the firm takes the protection of your personal security very seriously, we are offering free credit monitoring services. We are contracting with a credit monitoring service to offer you 12 months of services at no cost to you. This product helps detect possible misuse of your personal information and provides you with identity protection support focused on immediate identification and resolution of identity theft. We will provide a follow up letter shortly that will include instructions for contacting the service provider. Lastly, see the enclosed information for additional steps you should take to protect yourself.

Contact Information

If you have any questions, please contact:

Victoria Spencer Patterson, Director of Administration
Outten & Golden LLP
3 Park Ave, 29th Floor, New York, NY 10016
Phone: 646-825-9807
Fax: 646-509-2082
Email: vsp@outtengolden.com

We apologize for any inconvenience this may have caused. Be assured that we have been working, and will continue working, diligently to avoid and mitigate any harm to you.

Sincerely,

Wayne N. Outten
Managing Partner

STEPS YOU CAN TAKE TO FURTHER PROTECT YOURSELF

We are providing this explanation of steps you can take to protect your information. As a precautionary measure, we recommend that you remain vigilant for incidents of fraud and identity theft by reviewing your account statements and credit reports closely. You may obtain a free copy of your credit report from each of the three major credit reporting agencies listed below once every 12 months by visiting <http://www.annualcreditreport.com> or calling toll-free 877-322-8228. You can also report any fraudulent activity or any suspected identity theft to proper law enforcement authorities, your state attorney general and/or the Federal Trade Commission. To file a complaint about identity theft with the FTC or to learn more, go to www.ftc.gov/idtheft, call 1-877-ID-THEFT (877-438-4338).

Fraud Alert

We suggest you consider placing a fraud alert on your credit report. An initial fraud alert is free and will stay on your credit file for at least 90 days. The alert informs creditors of possible fraudulent activity within your report and requests that the creditor contact you prior to establishing any accounts in your name. If you would like to place a fraud alert on your credit report, contact any of the three credit reporting agencies using the contact information below. The Federal Trade Commission has a good website with an overview and guidance on this issue at <https://www.consumer.ftc.gov/articles/0497-credit-freeze-faqs>. You can also contact them at: Federal Trade Commission or write to: Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Or, call 1-877-ID-THEFT.

Security Freeze Information

In some US states, you have the right to place a security freeze on your credit file. This will prevent new credit from being opened in your name without the use of a PIN number that is issued to you when you initiate the freeze. You can obtain further information regarding security freezes from the FTC and from any of the three credit reporting agencies listed below.

Equifax
(800) 685-1111
www.equifax.com
P.O. Box 740241
Atlanta, GA 30374

Experian
(888) 397-3742
www.experian.com
P.O. Box 9532
Allen, TX 75013

TransUnion
(800) 916-8800
www.transunion.com
P.O. Box 105281
Atlanta, GA 30348

Maryland Residents

Visit the Maryland Office of the Attorney General website at www.oag.state.md.us/idtheft/index.htm. Call 1-410-528-8662 or write to: Consumer Protection Division, Maryland Office of the Attorney General, 200 St. Paul Place, Baltimore, MD 21202

North Carolina Residents

Visit the North Carolina Office of the Attorney General at <http://www.ncdoj.gov/Crime.aspx>. Call 1-919-716-6400 or write to: Attorney General's Office, 9001 Mail Service Center, Raleigh, NC 27699-9001

California Residents

State law requires us to inform you that law enforcement did not ask us to delay notification to you.

IRS Tax Return Information

If you suspect that a fraudulent tax return has or may be filed using your social security number, you should contact the IRS and file a complaint immediately. For more information, see <https://www.irs.gov/uac/taxpayer-guide-to-identity-theft>. If you receive a letter from the IRS indicating that there has been fraudulent activity, see the information at <https://idverify.irs.gov/IE/e-authenticate/welcome.do>. The TurboTax website also has good information at <https://turbotax.intuit.com/tax-tools/tax-tips/General-Tax-Tips/Identity-Theft--What-to-Do-if-Someone-Has-Already-Filed-Taxes-Using-Your-Social-Security-Number/INF23035.html>.